

BUCKLEY

Daniel R. Alonso
Partner
1133 Avenue of the Americas
Suite 3100
New York, NY 10036
T (212) 600-2340
dalonso@buckleyfirm.com

November 18, 2022

VIA ECF ONLY

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Buyer, 22 Cr. 397 (RMB)

Dear Judge Berman:

I write to respectfully request permission to submit a response to the letter that the government submitted *in camera* in addition to its 35-page opposition to Mr. Buyer's pretrial motions. *See* ECF No. 39. Shortly after the prosecution team filed its opposition to the pending defense motions on November 16, the government's filter team additionally submitted a 5-page single-spaced letter to the Court *in camera* with additional opposition to Mr. Buyer's arguments regarding attorney-client privilege and the work product doctrine. The government did not seek permission from the Court to make this additional filing or to exceed the page limits previously set by this Court's order, ECF No. 27, nor did it give the defense prior notice.

On November 23, Mr. Buyer is scheduled to file a 15-page reply, pursuant to this Court's orders. *See* ECF Nos. 27, 37. In order to adequately respond to the supplemental arguments raised in the government's separate letter, Mr. Buyer requests the Court's permission to submit an additional response *in camera*. Submission *in camera* will allow the defense to do what the government has already done unilaterally: refer to the substance of the declarations previously submitted *in camera* when presenting arguments to the Court.

When Mr. Buyer's counsel sought the government's consent to the requested filing, the prosecution team responded that the defense is "welcome" to add a few pages to its reply papers to match the number of pages government counsel submitted *in camera*. But this is not the same thing. All Mr. Buyer is asking is for the Court to grant him the same opportunity the government unilaterally took. We therefore ask that the Court approve a filing *in camera* by the defense, up to the same length as the *in camera* filing the government has already made. This would of course not be *ex parte*; we would serve the government's filter team.

Respectfully submitted,

/s/ Daniel R. Alonso
Daniel R. Alonso

The Honorable Richard M. Berman

November 18, 2022

Page 2

Tel: (212) 600-2340

dalonso@buckleyfirm.com

cc: All counsel (by ECF)

Defense may add 5 pp (double spaced)
marked in camera to today's scheduled
reply submission and submit both
together on Friday, Nov 25 by noon.
Counsel for both sides should be aware
that the Court is not fond of "tit for tat"
litigation. Cut it out.

SO ORDERED:

Date: 11/23/22


Richard M. Berman, U.S.D.J.